

REMARKS

Applicant's representative notes a statement in the file wrapper which indicates that the patent has expired due to failure to pay maintenance fees. This issue has already been discussed with the Examiner and it is now understood that the maintenance fees have been paid. A rejection has been made of the claims under 35 U.S.C. § 251 as lacking basis for reissue. Withdrawal of that rejection is respectfully requested.

Applicant has been required to include a cross-reference in the specification. The required cross-reference has been furnished.

Claims 14-22 have been provisionally rejected under obviousness-type double patenting in view of 09/594,152 and 09/631,540. In addition, claims 14-20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Horton et al. (4,945,563). It is respectfully submitted, however, that these claims are patentable over the art of record for the reasons set forth below.

Applicant's invention as recited by claim 14, includes a feature which is neither disclosed nor suggested by the art of record, namely:

. . .recording of said information in said medium is effected responsive to detection of an identifier that identifies the medium (emphasis added)

This feature may be found in the original patent at column 8, lines 21 and 22. No new matter has been added. A feature of recording responsive to detection of an identifier that identifies the medium is neither disclosed nor suggested by Horton. Furthermore, this feature is not claimed by the publications cited by the outstanding Official Action. Withdrawal of those rejections is respectfully requested.

Claims 21 and 22 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Russo (5,619,247). These claims, however, are patentable over the art of record for the reasons set forth below.

Applicant's invention as recited by claim 21, includes a feature which is neither disclosed nor suggested by the art of record, namely:



... Said information is charged differently depending upon said signal
irrespective of whether said information is viewed (emphasis added)

This feature is supported by the original patent at column 9, lines 13-19. No new matter has been added. In other words, charging for the information in claim 21 differs depending upon whether or not the information is recorded--and not based on whether or not the information is viewed. This feature is neither disclosed nor suggested by Russo. Accordingly, claim 21 is patentable over Russo.

Claim 22 also includes the feature of charging "irrespective of whether said information is viewed." Claim 22 is thus also patentable over the art of record for the reasons set forth above.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

RatnerPrestia

Lawrence E. Ashery, Reg. No. 34,515
Attorney for Applicants

LEA/kc

Enclosure: Status of Claims

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P. O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

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